

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

PATRICIA O'DONNELL,

VS .

No. 03-0246

THE PEOPLES GAS LIGHT and
COKE COMPANY

Complaint as to Respondent has threatened to disconnect the gas to my apartment due to bill incurred by a former tenant from February 2000 to February 2002, in Chicago, Illinois.

Chicago, Illinois
November 20, 2003

Met, pursuant to notice, at 10:00 a.m.

BEFORE :

MR. JOHN RILEY, Administrative Law Judge

APPEARANCES:

MS. PATRICIA O'DONNELL
949 North Dame Avenue
Chicago, Illinois 60622
appearing pro se;

1 APPEARANCES (continued):

2 McGUIRE WOODS, LLP, by
3 MR. BRIAN MCCARTHY
4 77 West Wacker Drive
Suite 4400
Chicago, Illinois 60601
appearing for
5 the People Gas Light and Coke Company.

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3 Witnesses: Direct Cross direct cross Examiner

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11 Number For Identification In Evidence

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1 JUDGE RILEY: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call Docket
3 03-0246. This is a complaint by Patricia O'Donnell
4 versus People Gas Light and Coke Company as to
5 respondent has threatened to disconnect the gas to
6 my apartment due to a bill incurred by a former
7 tenant from February 2000 to February 2002 in
8 Chicago, Illinois.

9 And, Ms. O'Donnell, it is my
10 understanding now that you are proceeding without
11 counsel; is that correct?

12 MS. PATRICIA O'DONNELL: Mm-hmm.

13 JUDGE RILEY: And would you state your name and
14 address for the record, please.

15 MS. PATRICIA O'DONNELL: Patricia Ann O'Donnell,
16 949 North Damen Avenue, Chicago 60622.

17 JUDGE RILEY: And for the respondent.

18 MR. MCCARTHY: Brian McCarthy for the respondent
19 the Peoples Gas Light and Coke Company. McGuire
20 Woods, LLP, 77 West Wacker Drive, Suite 4400,
21 Chicago, Illinois 60601.

22 JUDGE RILEY: Thank you. And at this point --

1 first thing I would note, that I did get a letter of
2 withdrawal from your attorney, Mr. Offenbach. And
3 as a result you are now proceeding pro se.

4 Did you plan to procure counsel in the
5 future, or are you going to be proceeding by
6 yourself from now on?

7 MS. PATRICIA O'DONNELL: To be honest, he was
8 such a criminal lawyer that I just assumed to it
9 myself.

10 JUDGE RILEY: Okay. All right. We'll just leave
11 it right at that for the time being then.

12 You had indicated to me earlier that you
13 got a number of handwritten pages there and you
14 wanted to read some sort of a statement on to the
15 record as to how -- to say how you feel with regard
16 to this matter.

17 Before we get to that, that's not really
18 the proper procedure right now. What I want to know
19 is, a subpoena was issued for certain information --

20 MR. McCARTHY: Right.

21 JUDGE RILEY: -- can either party advise me, did
22 anything productive result from that subpoena?

1 MR. McCARTHY: No. No, not -- well, nothing that
2 didn't tell us what we already knew based on
3 conversations with people at ComEd and in -- I spoke
4 with her formal --- former counsel on that, that
5 ComEd's records show that they don't have a customer
6 of record during the period between -- and let me
7 look this up -- February 4th of 2000 to October of
8 2001. That's a period in time that matches the
9 period in time --

10 JUDGE RILEY: Right.

11 MR. McCARTHY: -- that Peoples has no customer at
12 the premise in during which -- what it is that the
13 end of -- or the beginning of that period is the
14 period where Mr. Nieto's account ended and we've
15 talked about --

16 JUDGE RILEY: Okay.

17 MR. McCARTHY: -- Mr. Nieto and his meter was
18 locked off.

19 JUDGE RILEY: All right.

20 MR. McCARTHY: The end of that period is the
21 period that Mr. Serney (phonetic) applied for
22 service with ComEd.

1 Now, we show Mr. Serney -- we never
2 showed Mr. Serney in there, but we're willing to
3 remove -- you know, we actually billed you past
4 October of 2001. We're willing to remove anything
5 from 10 -- October of 2001 onward.

6 JUDGE RILEY: Okay.

7 MR. McCARTHY: Just to do -- you know, to match
8 up with ComEd's records in a sense. Give her the
9 benefit of the doubt that Mr. Serney was in there.
10 But prior to that --

11 JUDGE RILEY: We're still talking about the
12 period February 2000 --

13 MR. McCARTHY: Yeah.

14 JUDGE RILEY: -- to October --

15 MR. McCARTHY: Right.

16 JUDGE RILEY: -- 2001 --

17 MR. McCARTHY: Exactly.

18 JUDGE RILEY: -- approximately --

19 MR. McCARTHY: That's the period where we --

20 JUDGE RILEY: -- 19 months or whatever it is?

21 MR. McCARTHY: Right.

22 JUDGE RILEY: 19, 20 months?

1 MR. McCARTHY: Right.

2 JUDGE RILEY: So, Ms. O'Donnell, I'm not ignoring
3 you but what is your position now?

4 MS. PATRICIA O'DONNELL: Okay. I saw James
5 Serney a couple days ago.

6 MR. McCARTHY: Okay.

7 MS. PATRICIA O'DONNELL: And I asked him -- I
8 said, Jim, did you do anything to the meter for the
9 gas company when you were living on my first floor
10 apartment? And he said to me, No, I didn't have to.
11 They never shut my gas off.

12 And he also told me that -- well, he
13 didn't tell me but he had an electric bill in his --
14 in the top of the car, you know, where people throw
15 stuff. Anyway, it was to the name of Raymond Farney
16 (phonetic) and they live on Wood Street.

17 MR. McCARTHY: Oh, okay.

18 MS. PATRICIA O'DONNELL: So I know that he has an
19 alias now of Raymond Farney.

20 MR. McCARTHY: Or somebody misheard him on the
21 phone it sounds like. You know, it could be the
22 case, you know.

1 MS. PATRICIA O'DONNELL: Okay. Well, either
2 way --
3 JUDGE RILEY: I'm completely confused now.
4 You were talking to James Serney?
5 MS. PATRICIA O'DONNELL: Mm-hmm.
6 JUDGE RILEY: Now, who -- what alias does he
7 have?
8 MS. PATRICIA O'DONNELL: Raymond Farney.
9 JUDGE RILEY: Raymond Farney.
10 MS. PATRICIA O'DONNELL: Mm-hmm.
11 MR. McCARTHY: What? James?
12 MS. PATRICIA O'DONNELL: Well, I'm sure it's
13 probably his father.
14 MR. McCARTHY: Right.
15 MS. PATRICIA O'DONNELL: Because his father's
16 name is Raymond.
17 JUDGE RILEY: So somebody misunderstood the name
18 Serney then probably.
19 MR. McCARTHY: Right, I think that's --
20 JUDGE RILEY: Or --
21 MR. McCARTHY: -- what that is and most likely it
22 may be one of those. I mean, I see it all the time.

1 MS. PATRICIA O'DONNELL: Okay.

2 JUDGE RILEY: Okay.

3 MS. PATRICIA O'DONNELL: And I have another very
4 serious delima and I'm really really upset about it
5 right now.

6 The gas company told me when I tried to
7 get information about my building that it's none of
8 my business whose name gas is in and that type of
9 thing, okay.

10 Now, I received by accident in my mail
11 box the other day a piece of mail from the gas
12 company, my current address, for the --

13 MR. McCARTHY: Well, hold on.

14 MS. PATRICIA O'DONNELL: -- people --

15 MR. McCARTHY: Judge, before --

16 MS. PATRICIA O'DONNELL: Just can I --

17 MR. McCARTHY: Well, no.

18 JUDGE RILEY: Let me --

19 MR. McCARTHY: The question is whether this
20 should be on the record. This is not part of this
21 complaint and are we going to just fill up the
22 record with a bunch of this?

1 JUDGE RILEY: Well, let me hear the rest of it --
2 MR. McCARTHY: Okay.
3 JUDGE RILEY: -- before we can decide.
4 MS. PATRICIA O'DONNELL: Okay. There was a thing
5 to the occupant of the first floor, okay. I went to
6 Peoples Gas on Milwaukee Avenue and I said, I want
7 to tell you who's living in this apartment. They
8 refused to take the information and told me that the
9 girls that live there have to take and have the gas
10 put in on their own.
11 I went to the apartment and I told the
12 girls, Listen, this was in my mail box by mistake.
13 You girls need to put this gas in your name and they
14 told me that they will take care of it.
15 Now, I have no way of knowing, one, if
16 they are going to take care of it because Peoples
17 Gas will not give me that information. Two, unless
18 the mailman puts the mail -- the gas bill in the
19 wrong mail box again, I'll never now if this was
20 accomplished.
21 MR. McCARTHY: Right.
22 MS. PATRICIA O'DONNELL: Now, this whole thing

1 could happen to me all over again three years from
2 now because that's how long it took and I'm going to
3 be in the same predicament.

4 I mean, now I know that I'm going to
5 write their names down and put -- I don't know what
6 day they moved in but I'm going to write down all
7 the information and store it somewhere because I
8 know that this is a possibility of happening again
9 but you need to do something to protect landlords.
10 This is ridiculous.

11 JUDGE RILEY: Well, I'm going to stop right here
12 because this is beyond the realm. It's outside the
13 scope of what we are here for. I understand --

14 MS. PATRICIA O'DONNELL: But it's --

15 JUDGE RILEY: -- what you're saying.

16 MS. PATRICIA O'DONNELL: It's a duplicate.

17 JUDGE RILEY: Well, it -- but it's not part of
18 the original -- of the initial complaint so it's
19 something that's going to have to be dealt with
20 outside of this forum.

21 Mr. McCarthy is right on that score. We
22 have to deal with the period of -- what was I

1 looking at? Oct- -- of February of 2000 to October
2 of 2001. You have to establish somehow that someone
3 was living in that apartment or else Peoples Gas'
4 position is that the landlord is liable for the gas
5 uses at that time.

6 Now, you ran into Mr. Serney?

7 MS. PATRICIA O'DONNELL: Mm-hmm.

8 JUDGE RILEY: Did you ask Mr. Serney if he would
9 be willing to testify on your behalf or appear on
10 your behalf?

11 MS. PATRICIA O'DONNELL: Yeah, and he asked me if
12 I was nuts. He says, Why would I go do that?

13 JUDGE RILEY: Well, I -- what other recourse do
14 you have?

15 So he's not going to appear and say that
16 he would -- that he incurred the gas usage for the
17 period of time that he lived in that apartment?

18 MS. PATRICIA O'DONNELL: No. He said that he --
19 he says, Why should I do that for you? He says, I
20 don't live there. I don't owe you any explanations.
21 He says, You asked me to move. Why should I help
22 you?

1 JUDGE RILEY: Okay.

2 MR. McCARTHY: That's prob- -- yeah, about what I
3 think we all expected.

4 JUDGE RILEY: Yeah.

5 MR. McCARTHY: Because in a sense, he'd be
6 signing up for a bill.

7 JUDGE RILEY: Right.

8 MR. McCARTHY: That he may very well owe but he's
9 not likely to admit it.

10 MS. PATRICIA O'DONNELL: Mm-hmm.

11 JUDGE RILEY: Now, is there any possibility of
12 subpoenaing him?

13 MR. McCARTHY: Well, I guess the one thing is,
14 you said -- it was a little unclear to me about
15 where the -- you had a Wood Street address and who
16 might live there was a --

17 MS. PATRICIA O'DONNELL: Okay. I -- because I
18 couldn't be too obvious that I was looking at his
19 mail in his dash, but I did see that it said Raymond
20 Farney and it was on Wood Street. But I don't know
21 what the street address was but it was Chicago.

22 JUDGE RILEY: Now, Raymond --

1 MS. PATRICIA O'DONNELL: He lives on Wood Street.
2 JUDGE RILEY: -- is the father?
3 MS. PATRICIA O'DONNELL: Mm-hmm. He's the one
4 that was hit by a car, and he's --
5 JUDGE RILEY: Okay.
6 MS. PATRICIA O'DONNELL: -- not all there.
7 JUDGE RILEY: Now, is the son living at the same
8 address?
9 MS. PATRICIA O'DONNELL: Mm-hmm.
10 JUDGE RILEY: Okay. The son is living on Wood
11 Street?
12 MS. PATRICIA O'DONNELL: Mm-hmm.
13 JUDGE RILEY: And did you get them the actual
14 numbers?
15 MS. PATRICIA O'DONNELL: No, but I'm sure I can
16 get the actual numbers.
17 JUDGE RILEY: Okay.
18 MR. McCARTHY: She can subpoena, you know,
19 anybody she wants. Right now I think our big
20 problem would be even finding the guy.
21 JUDGE RILEY: James Serney?
22 MR. McCARTHY: Yeah.

1 JUDGE RILEY: Well, I thought we just said that
2 he -- that you think you could find him on Wood
3 Street. You can find the address --

4 MR. McCARTHY: Yeah, but I mean --

5 JUDGE RILEY: -- where he's residing but I mean
6 serving him.

7 MR. McCARTHY: Yeah, but serving him and finding
8 him actually. You know, I don't believe we have an
9 actual account with the guy because I think that was
10 one of the things we were looking into, obviously,
11 to see. . .

12 JUDGE RILEY: That's the problem is that there's
13 nothing linking him to that apartment.

14 MR. McCARTHY: Well, there's nothing linking
15 him --

16 JUDGE RILEY: Unless he comes in and actually
17 testifies --

18 MR. McCARTHY: -- to our system right now, I
19 don't --

20 JUDGE RILEY: Right.

21 MR. McCARTHY: -- believe. I mean, I don't think
22 he has an active account with us right now and so

1 we -- it's not like I can query our system and find
2 out --

3 JUDGE RILEY: Right.

4 MR. McCARTHY: -- which Wood Street address he's
5 at.

6 JUDGE RILEY: Let's interrupt the situation right
7 here.

8 MR. McCARTHY: Okay.

9 JUDGE RILEY: What -- you are going to be out of
10 the picture in this matter as of the 25th; is that
11 correct?

12 MR. McCARTHY: Correct.

13 JUDGE RILEY: Okay. And one of these gentlemen
14 behind you or someone else is going to be stepping
15 in?

16 MR. McCARTHY: Sure.

17 JUDGE RILEY: Okay.

18 MR. McCARTHY: I guess, you know, procedurally,
19 maybe what we should do is set a date that would
20 give these guys sufficient time to get up to speed
21 on this and, you know, I don't know whether we want
22 to start discovery during that process. I don't

1 know if that --

2 JUDGE RILEY: Yeah.

3 MR. McCARTHY: -- would be deemed to have

4 happened in this case and not really -- we did

5 exchange some stuff in an informal basis between me

6 and --

7 JUDGE RILEY: Right.

8 MR. McCARTHY: -- Mr. Offenbach, your former

9 attorney.

10 JUDGE RILEY: But there's no --

11 MR. McCARTHY: But --

12 JUDGE RILEY: There has been no discovery.

13 MR. McCARTHY: -- there has been no formal

14 discovery.

15 JUDGE RILEY: Well, that's where we are right

16 now. We're in the same sit- -- your case is in the

17 same situation that it's been in since the

18 beginning, is that since you did not operate with

19 leases with your tenants, then you have got to find

20 some other --

21 MS. PATRICIA O'DONNELL: This book says I don't

22 have to.

1 JUDGE RILEY: Well, we're not saying that you
2 have to. What we're saying is that because there
3 were no leases, there is nothing to establish that
4 anyone lived in those apartments.

5 MS. PATRICIA O'DONNELL: I gave him a thing from
6 the Social Security that showed that Ray- -- Raymond
7 Serney lived in that building on the first floor.

8 MR. McCARTHY: Sure. But it doesn't show when
9 and the only thing that we have is --

10 MS. PATRICIA O'DONNELL: It had a date on it.

11 MR. McCARTHY: All the information that we've
12 gotten, including this Social Security information
13 found by Mr. Offenbach, showed that they weren't
14 there or there's no record of them being there prior
15 to 10 of 2001.

16 So there's this gap in time that we have.
17 You know, I'm not going to go to my client and say,
18 Walk away from this bill or try and get these -- the
19 various Mr. --

20 MS. PATRICIA O'DONNELL: Okay. Then my other --

21 MR. McCARTHY: -- Serneyes.

22 MS. PATRICIA O'DONNELL: My other question to you

1 is that why is it I was never billed when there
2 was -- should've been discovery before that time
3 when I got this bill, because of the fact that there
4 were tenants after James Serney in there that had
5 gas in their name.

6 Why was I not contacted and the reason
7 I'm saying that is because I just got a letter from
8 another attorney which gives the number of my
9 building. They had no problem locating me. This
10 is -- this is just for a zoning thing.

11 MR. McCARTHY: Well --

12 MS. PATRICIA O'DONNELL: But that means the gas
13 company would have no issues or no problem finding
14 out who owned the building.

15 MR. McCARTHY: We didn't.

16 MS. PATRICIA O'DONNELL: At that point -- at that
17 point in time --

18 MR. McCARTHY: We didn't know there was an
19 account.

20 MS. PATRICIA O'DONNELL: You did.

21 MR. McCARTHY: No, we didn't. We weren't
22 billing --

1 MS. PATRICIA O'DONNELL: Well, why was --

2 MR. McCARTHY: -- anybody.

3 MS. PATRICIA O'DONNELL: Yes, you were. You were

4 billing occupant.

5 MR. McCARTHY: No. Apparently what I've seen is

6 that we weren't billing anybody.

7 MS. PATRICIA O'DONNELL: Okay. Then I've got to

8 find that sheet of paper that I gave to Sigi which

9 said, Occupant, Apartment 1. So you were billing an

10 occupant.

11 MR. McCARTHY: Well, I mean, it all depends on

12 what time you're talking about. You know -- I mean,

13 this happened over a period of years.

14 MS. PATRICIA O'DONNELL: Okay.

15 MR. McCARTHY: You may have seen the tail end

16 after we found it.

17 MS. PATRICIA O'DONNELL: And then --

18 MR. McCARTHY: You know and we --

19 MS. PATRICIA O'DONNELL: -- why wasn't --

20 MR. McCARTHY: -- didn't identify you at first

21 but we found you --

22 MS. PATRICIA O'DONNELL: You didn't --

1 MR. McCARTHY: -- soon enough.

2 MS. PATRICIA O'DONNELL: -- identify me until I
3 moved -- when I lost my job and I moved back to
4 Chicago and I moved into the apartment and I said,
5 I'm the landlord.

6 MR. McCARTHY: Okay.

7 MS. PATRICIA O'DONNELL: So somebody shoved that
8 on my --

9 MR. McCARTHY: Right.

10 MS. PATRICIA O'DONNELL: -- bill.

11 Now, when I put that gas into my name,
12 they told me, Don't worry about it. This is from a
13 prior tenant. You will not be held responsible.
14 When they put that gas in my name, then without --
15 without saying anything, they took that account
16 number and just combined my account number with that
17 account number and that's, in my opinion, even
18 though they say they can do that, is not correct.

19 MR. McCARTHY: Well, this is all matters for an
20 evidentiary hearing. I think --

21 JUDGE RILEY: I know.

22 MR. McCARTHY: -- what we're getting into here --

1 I mean, I think we're comfortable we can prove
2 that -- that we're entitled to bill the landlord
3 under these circumstances.

4 JUDGE RILEY: In other words, if we ever do
5 convene for hearing then the parties --

6 MR. McCARTHY: Yeah.

7 JUDGE RILEY: -- are going to present their
8 evidence.

9 MR. McCARTHY: You can present -- yeah, you can
10 present your case but it's not time for that.

11 MS. PATRICIA O'DONNELL: Then I have a question
12 for you too. How do I go about taking steps now
13 against the gas company to be sure that I --

14 JUDGE RILEY: I --

15 MS. PATRICIA O'DONNELL: -- don't get --

16 JUDGE RILEY: I have no idea. I do not know.

17 MS. PATRICIA O'DONNELL: There's --

18 JUDGE RILEY: And that is --

19 MS. PATRICIA O'DONNELL: -- no protection for
20 landlords?

21 JUDGE RILEY: It's not within my purview to even
22 advise you as to that. I do not know. It is far

1 beyond the scope of this hearing.

2 MS. PATRICIA O'DONNELL: Okay. Do you know --

3 JUDGE RILEY: To even get -- delve in --

4 MS. PATRICIA O'DONNELL: Do you know what

5 government agency I do call?

6 JUDGE RILEY: I don't know. I'm sorry.

7 MR. McCARTHY: Well, I can tell you this. I

8 could tell you this, you know, the process -- and

9 I'm not advising you as your attorney or anything,

10 but the process set forth in the Commission's rules

11 is that you call Peoples Gas, try and resolve the

12 dispute and if you can't --

13 MS. PATRICIA O'DONNELL: I did that.

14 MR. McCARTHY: -- that you turn to the Illinois

15 Commerce Commission and start the process that you

16 did for this case, but it's a separate issue. And

17 in my opinion right now, you're not quite ripe. In

18 other words, you haven't been -- there's really been

19 no violation that I can discern.

20 What you're saying is, they're not

21 turning on somebody else's account because you

22 requested them to turn on an account in somebody's

1 name. Of course, they're not going to do it. You
2 have no authority. You cannot tell people --

3 MS. PATRICIA O'DONNELL: Okay. But--

4 MR. McCARTHY: -- to be bound by the gas.

5 MS. PATRICIA O'DONNELL: -- yet you're going to
6 hold me responsible if that person never does it?

7 MR. McCARTHY: Well, call in -- if there is no
8 account in their name, then we should be prepared to
9 shut that off and then you won't be responsible.

10 Your option is either to put the gas
11 service in your name, which you have authority to
12 do --

13 MS. PATRICIA O'DONNELL: Mm-hmm.

14 MR. McCARTHY: -- or to have that apartment shut
15 off so that it doesn't accrue in nobody's name.

16 Now, obviously, the reason you're in
17 trouble here is there's tampering. I don't know if
18 there's tampering in the other case.

19 MS. PATRICIA O'DONNELL: He told me that there
20 wasn't tampering.

21 MR. McCARTHY: And Mr. --

22 MS. PATRICIA O'DONNELL: He told me --

1 MR. McCARTHY: And he's not willing to testify
2 and --

3 MS. PATRICIA O'DONNELL: He --

4 MR. McCARTHY: -- he's probably not -- he has no
5 interest in stating the truth. You know, he. . .

6 MS. PATRICIA O'DONNELL: Well, I just --

7 MR. McCARTHY: And --

8 MS. PATRICIA O'DONNELL: I just know that you're
9 a monopoly and I'm just an individual that doesn't
10 make a whole lot of money, that has not had much of
11 an education and I really feel threatened here
12 because there's a lot of people here that have very
13 high educations and I feel like my hands are tied.

14 MR. McCARTHY: I understand.

15 MS. PATRICIA O'DONNELL: And I'm sorry about this
16 emotional thing. It's just that you don't
17 understand how frustrated I am and it's anger more
18 than anything else.

19 MR. McCARTHY: Well, one thing you can do is, on
20 that account --

21 You know, can we go off the record? This
22 is --

1 JUDGE RILEY: Oh, why don't we for a couple of
2 minutes.

3 (Whereupon, a discussion
4 was had off the record.)

5 JUDGE RILEY: The complaint's position is
6 essentially the same now as it was the last time we
7 met and inasmuch as we're going to have a
8 substitution of counsel for Peoples Gas, I'm going
9 to recommend that we put this matter over for quite
10 some time. I will not only give the substituting
11 attorneys a chance to bring themselves up to date on
12 the issues here. But it will also take us past the
13 holidays and, quite frankly, I don't have anything
14 available in December to reconvene -- where we can
15 reconvene.

16 Is there any disagreement with that?

17 MR. McCARTHY: No.

18 JUDGE RILEY: All right. So we're going to --

19 MS. PATRICIA O'DONNELL: Could I also request
20 copies of whatever information that you do have
21 because Sigi --

22 MR. McCARTHY: You know, Vicky got it from Sigi.

1 MS. PATRICIA O'DONNELL: He didn't give me
2 anything.

3 JUDGE RILEY: Okay. Hold on. I'm -- let's go
4 off the record again. I've got to go downstairs and
5 get another calendar.

6 (Off the record.)

7 JUDGE RILEY: We are in the process of discussing
8 another status --

9 MR. McCARTHY: Sure.

10 JUDGE RILEY: -- in this matter and, quite
11 frankly, I'm willing to put it off for -- until well
12 after the holidays --

13 MR. McCARTHY: Okay.

14 JUDGE RILEY: -- to give the -- again, give
15 substitution of counsel time to -- and for
16 substituting counsel to come up to date on the
17 issues in this matter. And when we reconvene for
18 status, we can talk about the possibility of trying
19 to compel Mr. Serney, James Serney, to appear and
20 testify as an adverse witness, obviously, on behalf
21 of the complainant but that's something we can deal
22 with in January because there's nothing more that we

1 can do right now.

2 MS. PATRICIA O'DONNELL: Can I ask you a
3 question?

4 JUDGE RILEY: Yes.

5 MS. PATRICIA O'DONNELL: Even though you probably
6 wouldn't answer it.

7 JUDGE RILEY: Please ask.

8 MS. PATRICIA O'DONNELL: The -- James Serney has
9 a brother. Could I talk or try to talk James
10 Serney's brother in- -- Bob, into coming in and
11 saying, Yes, I know my brother did live there during
12 that time? Would that work?

13 JUDGE RILEY: You're free to talk to him under
14 any -- you're free to do whatever you need to do --

15 MS. PATRICIA O'DONNELL: Yeah, but I'm just
16 saying --

17 JUDGE RILEY: -- in --

18 MS. PATRICIA O'DONNELL: -- would that --

19 JUDGE RILEY: -- furtherance of your own case.

20 MS. PATRICIA O'DONNELL: -- would that help
21 because if it would help --

22 JUDGE RILEY: Well, you're asking me to make a

1 ruling on evidence as of right now and I can't do
2 that. I wouldn't be able to do that until the
3 hearing began.

4 But if you think that it's in your
5 interest, by all means, you're free to do whatever
6 is in your interest within the law. But I cannot
7 give you legal advise as to whether or not you
8 should do it, and I can't say that it's going to
9 help your case as of right now. I just don't know.
10 And this is the disadvantage you're at without legal
11 counsel. That's the problem.

12 But let me reiterate, you are free to
13 speak to whomever you want to if you think it's
14 going to help your case. That's the most I can --
15 most I can advise you right now.

16 But anyway, I'm pretty much full on the
17 first full week in January. The second week, I am
18 available the 12th, the 13th and the 15th.

19 MR. McCARTHY: How about the --

20 (Off the record.)

21 MR. McCARTHY: Let's just go with the -- the 15th
22 would actually be pretty good, I think.

1 JUDGE RILEY: That is fairly close to a 60-day
2 continuance.

3 Is the 15th of January okay with you?

4 MS. PATRICIA O'DONNELL: Fine.

5 JUDGE RILEY: Okay. That's Thursday and that'll
6 be at 10:00 a.m. again. And that will be for
7 another status.

8 MS. PATRICIA O'DONNELL: Same place? Same time?

9 JUDGE RILEY: 10:00 a.m. and, yes, it will be --
10 come to the 8th floor again and they will have the
11 assigned conference room. Then that's where we are
12 right now then.

13 Was there anything further that you --
14 any other questions or anything further that you
15 wanted to bring up?

16 MS. PATRICIA O'DONNELL: (Nodding.)

17 MR. McCARTHY: No, Judge.

18 JUDGE RILEY: Let the record reflect that the
19 complainant indicated no. There's nothing further
20 from Peoples Gas.

21 All right. Then I will continue this
22 matter from today to the 15th of January at 10:00

1 a.m. for status. We will reconvene at that time
2 with substitution of counsel, whoever they may be.

3 MR. McCARTHY: We'll be withdrawing and one of
4 these guys will show.

5 JUDGE RILEY: All right. And then we will
6 reconvene and see where we are at at that time.

7 Thank you very much.

8 MS. PATRICIA O'DONNELL: And you'll take care of
9 that other matter?

10 MR. McCARTHY: Yeah, just give me a call about
11 the address.

12 (Whereupon, the above-entitled
13 matter was continued to
14 January 15, 2004, at 10:00
15 o'clock a.m.)

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